

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

### **Originating**

## **House Bill 4418**

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[Originating in the Committee on Prevention and  
Treatment of Substance Abuse; Reported on January  
16, 2020.]



1 A BILL to amend and reenact §16-53-1 and §16-53-2 of the Code of West Virginia, 1931, as  
2 amended, relating to the Ryan Brown Fund.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 53. ESTABLISHING ADDITIONAL SUBSTANCE ABUSE TREATMENT  
FACILITIES.**

**§16-53-1. Establishment of substance use disorder treatment and recovery services.**

1 (a) The Secretary of the Department of Health and Human Resources shall ensure that  
2 substance use disorder treatment or recovery services, or both, are made available in locations  
3 throughout the state which the department determines to be the highest priority for serving the  
4 needs of the state.

5 ~~(b) The secretary shall identify and allocate funds to appropriate facilities to provide~~  
6 ~~substance use disorder treatment services, which shall be provided via an inpatient or outpatient~~  
7 ~~service model. These facilities shall:~~

8 ~~(1) Give preference to West Virginia residents;~~

9 ~~(2) Accept payment from private pay patients, third person payors, or patients covered by~~  
10 ~~Medicaid;~~

11 ~~(3) Offer treatment, based upon need;~~

12 ~~(4) Work closely with the Adult Drug Court Program, provided for in §62-15-1 et seq. of~~  
13 ~~this code; and~~

14 ~~(5) Be licensed by this state to provide substance use disorder treatment services.~~

15 ~~(c)~~ The secretary shall identify and allocate funds to appropriate facilities to provide  
16 recovery services. Peer-led facilities shall follow standards set forth by the National Alliance for  
17 Recovery Residences and offer access to peer support services.

18 (c) The secretary shall identify and allocate funds to health care facilities or offering health  
19 services for children under one year of age suffering from Neonatal Abstinence Syndrome.

~~(d) Other programs or projects designed to address substance use disorder, and a study or studies designed to evaluate substance use prevention education programs in schools, may be eligible for funding at the secretary's discretion and as funds are available.~~

**§16-53-2. Establishing the Ryan Brown Addiction Prevention and Recovery Fund.**

(a) The Ryan Brown Addiction Prevention and Recovery Fund is hereby created in the state treasury as a special revenue account. The fund shall be administered by the Secretary of the Department of Health and Human Resources and shall consist of all moneys made available for the purposes of this article from any source, including, but not limited to, all grants, bequests or transfers from any source, any moneys that may be appropriated and designated for those purposes by the Legislature and all interest or other return earned from investment of the fund, gifts, and all other sums available for deposit to the special revenue account from any source, public or private. Expenditures from the fund shall be for the purposes set forth in this article and are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of §12-3-1 et seq. article three, chapter twelve of this code and upon the fulfillment of the provisions set forth in §11B-2-1 et seq. article two, chapter eleven-b of this code.

(b) Upon the effective date of this section, the attorney general and any public official with custody or control of the proceeds recovered for the state pursuant to settlement agreement dated January 9, 2017, in that certain civil action then pending in Boone County, designated Civil Action No. 12-C-141, shall forthwith transfer, or cause the transfer, of those proceeds into the Ryan Brown Addiction Prevention and Recovery Fund in the manner directed by the state treasurer pursuant to articles one and two, chapter twelve of this code and all other applicable law.

(c) The Attorney General shall deposit any monetary settlement or judgment received from a drug manufacturer, drug distributor, or pharmacy to settle a claim instigated by his or her office, after costs of any settlement or judgment have been provided to the effected state agencies, into the Ryan Brown Fund.

NOTE: The purpose of this bill is to require certain settlements to be deposited into the Ryan Brown Fund and to specify how the Department shall spend money in that fund.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.